


Councilmember Mary M. Cheh

AN AMENDMENT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: December 20, 2022

Amendment offered by: Councilmember Cheh

To: Bill 20-950, the Local Solar Expansion Amendment Act of 2022

Version: Final Reading

(a) Section 2 is amended as follows:

(1) Amendatory section 8(c)(1)(L) within subsection (c), page 4, lines 85-97, is amended by striking the phrase “transferring funding” and inserting the phrase “transferring funding, in an amount to be determined by DOEE in its discretion,” in its place.

(2) Subsection (d), pages 5-6, lines 96-108, is amended to read as follows:

“(d) A new section 8a is added to read as follows:

““Sec. 8a. Triennial study of local solar policy benefits and costs.

““(a) The People’s Counsel shall commission a recurring study to assess the benefits and costs of the solar requirements in this act, as well as the technical and economic potential of solar energy generation in the District. The study shall address, at a minimum, the benefits of locally-produced solar energy to the District’s electrical grid and the District’s clean energy goals (including the Solar for All program), the need for and potential costs of system upgrades and programs by ward, and the costs to ratepayers of the Renewable Energy Portfolio Standards’ solar energy requirements. The study shall also compare the District’s local solar energy policies to policies supporting the expansion of solar resources in other jurisdictions.

““(b) The People’s Counsel shall submit a complete copy of the study, and shall, based on the results of the study, offer recommendations regarding legislative and regulatory changes to ensure that ratepayers are not unduly impacted to the Council no later than October 1, 2027. The People’s Counsel shall submit updated findings and recommendations every 3 years after the initial submission.”.”.

(b) Section 3, page 6, lines 109-112, is amended to read as follows:

“Sec. 3. Applicability.

“(a) This act shall apply as of March 1, 2023, or as of the effective date of this act, whichever occurs later.

“(b) For 3 years after the date described in subsection (a) of this section, section 2(a) shall not apply to any contract entered into before the date described in subsection (a) of this section; except, that section 2(a) shall apply to an extension or renewal of such a contract.”.

Rationale:

This amendment makes three minor changes to this bill. First, it clarifies DOEE’s authority to use its discretion to determine how to allocate funds from the Renewable Energy Development Fund (REDF) between Solar for All and the transfer to the Energy Assistance Trust Fund (for utility assistance for low-income residents) that is authorized under this bill. The REDF has historically been intended as primarily a vehicle to fund the Solar for All program. This bill—as is—marks a shift to something closer to a dual-purpose fund: investing both in Solar for All and in low-income ratepayer relief programs. The amendment does not change anything about that; it simply clarifies this intent so that DOEE can confidently set up new programming based on this modified vision for the REDF.

Second, the amendment expands on the scope of the triennial study of solar policies that the bill directs the People’s Counsel (“OPC”) to commission. The amendment adds a requirement that the study look at the need for and costs of system upgrades and programs related to the District’s solar energy policies. It also adds a requirement that OPC submit to the Council, in addition to the results of the study, recommendations regarding legislative and regulatory changes to ensure that ratepayers are not unduly impacted by the District’s solar energy policies.

Finally, the amendment adds an applicability date for the bill of March 1, 2023 or the effective date of the bill, whichever is later. This will provide electricity suppliers and customers with additional certainty. It will also give affected parties time to understand the bill before it takes effect. The amendment also clarifies that the grandfathering provision in the bill shall be based on the applicability date. Thus, electricity sales contracts entered into prior to the applicability date would be subject to the grandfathering provision until 3 years after March 1, 2023 (or the effective date). So, for instance, if an electricity supply company has a contract with a customer that runs from January 2023 through December 2026, the contract would be covered by the grandfathering provision through March 1, 2026 (or the effective date). (Note that this would mean that a different carveout percentage would apply to the electricity supplier in this situation for the first 2 months of 2026 than would apply for the last 10 months of 2026.)